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MONTEREY TRANSFER & STORAGE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT - SAN JOSE DIVISION

RHONDA FARRAH,

Plaintiff

v.

MONTEREY TRANSFER &
STORAGE, INC., a California
corporation,

Defendant.

Case No. C07-06044 JW

Complaint filed: 11/29/07

**NOTICE OF MOTION AND MOTION
TO DISMISS COMPLAINT. UNDER
RULE 12(b)(6) OF FEDERAL RULES
OF CIVIL PROCEDURE**

[49 U.S.C. 14706, 13907(a)]

DATE: February 25, 2008
TIME: 9:00 a.m.
COURTROOM: 8

TO PLAINTIFF AND HER COUNSEL OF RECORD AND TO THE CLERK OF THE
ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that on February 25, 2008, at 9:00 a.m., in
Courtroom 8, of the United States District Court, Northern District, located in San
Jose, California, Defendant, MONTEREY TRANSFER & STORAGE, INC.
("Defendant") will move and hereby does move to dismiss, under F.R.C.P. 12(b)(6),
the entirety of Plaintiff RHONDA FARRAH's ("Plaintiff") Complaint ("Complaint"),
given Plaintiff's failure to state a claim upon which relief can be granted.

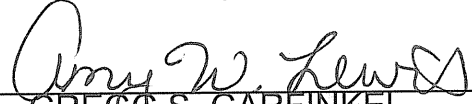
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1 The motion is made on the grounds that the causes of action pleaded in the
2 Complaint are completely preempted by the Carmack Amendment to the Interstate
3 Commerce Act (49 U.S.C. §14706).

4 The motion will be based upon this Notice, the Memorandum of Points and
5 Authorities attached hereto and served and filed herewith, the Court's file on this
6 matter, and the pleadings and papers filed herein.

7
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9 Dated: January 10, 2008

STONE, ROSENBLATT & CHA
A Professional Corporation

10
11 By: 
12 GREGG S. GARFINKEL
13 AMY W. LEWIS
14 Attorneys for Defendant
15 MONTEREY TRANSFER &
16 STORAGE, INC.

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